



ZONING BOARD OF APPEALS
DECISION ON APPLICATION FOR MODIFICATION OF
COMPREHENSIVE PERMIT PURSUANT TO G.L. c. 40B

I. BACKGROUND

Applicant: Whitcomb Pines, LLC

Project Location: 150 Mann Lot Rd. (23-1-6, 19F and 23-1-6)

Title reference: Book 19298, Page 34

Premises: All those certain parcels of land located at 150 Mann Lot Rd.,
Assessors Map 23, Block 1, Parcel 6, 19F and 23-1-6.

I. Procedural History

On July 14, 2002, the Applicant submitted an application for a comprehensive permit for a project consisting of 44 condominium townhouse units consistent with the M.G.L. c.40B certificate of eligibility. After an extensive public hearing process the Board, on December 18, 2003, voted to grant the comprehensive permit with conditions. The Board's written decision was filed with the Scituate Town Clerk on January 27, 2004. The comprehensive permit was further amended on February 8, 2006 and June 24, 2008. Among the conditions included in the Board's original decision was a condition, Condition # 51, providing that the comprehensive permit would expire three years from the date the decision became final if the construction of the project was not completed on or before said date. By letter, dated December 1, 2010, the Applicant requested a modification of the comprehensive permit for an additional three year period through February 28, 2014. The modification request was considered by the Board at a regularly scheduled meeting held December 15, 2010 at the Scituate Town Hall.

II. Decision

After due consideration of the modification request, the record of the proceedings and the materials submitted to the Board and the testimony received at the hearing from the Applicant, Mr. Jack Livingstone of Whitcomb Pines, LLC, the Board finds that the modification request is an insubstantial modification. Pursuant to the applicable regulations, 760 C.M.R. 56.05(11)(b), by virtue of the foregoing finding, the comprehensive permit is deemed modified to incorporate the requested change.

Accordingly, the comprehensive permit is hereby amended by striking the language of condition #51 that reads, "within three years of the date this decision becomes final" and inserting in it's place "by February 28, 2014."

SCITUATE ZONING BOARD OF APPEALS


Peter Morin, Chairman


Brian Sullivan


Sara Trezise

Filed with the Town Clerk: March 14, 2011.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.